

OFFICE OF THE CHIEF OF POLICE

SPECIAL ORDER NO. 22

July 10, 2003

**SUBJECT: REQUESTING AN INCREASE IN BAIL - REVISED**

**PURPOSE:** Special Order No. 27, "*Requesting an Increase in Bail*," dated October 10, 2002, described how Section 1269c of the California Penal Code (PC) had been amended to require a peace officer to request a bail deviation under certain circumstances when a defendant was arrested without a warrant for a misdemeanor offense of violating a domestic violence restraining order.

Section 1269c PC also changed the requirements for peace officers requesting a bail deviation when a defendant was arrested without a warrant for a bailable felony offense. However, Special Order No. 27, 2002, neglected to detail the change regarding felony offenses. This Order informs employees of the additional change and supercedes Special Order No. 27, 2002.

**PROCEDURE:**

**REQUESTING AN INCREASE IN BAIL - REVISED.** Prior to Special Order No. 27, 2002, being published, Manual Section 4/680.45 described Department policy dealing with requesting an Increase in Felony Bail. It stated that an officer may request a bail deviation on a felony arrestee who has not yet been arraigned, when aggravating circumstances (i.e., flight risk, danger to society, etc.) exist, and the charge is neither a warrant or a violation of a restraining order.

However, Section 1269c PC has necessitated a change in Department policy. Now, officers shall request a bail deviation when the defendant was arrested without a warrant and,

- \* The defendant was arrested for a bailable felony offense or misdemeanor offense of violating a domestic violence restraining order; and,
- \* The officer has reasonable cause to believe that the scheduled bail amount is insufficient to assure the defendant's appearance or to assure the protection of a victim, or family member(s) of a victim, of domestic violence.

**AMENDMENTS:** This Order amends Section 4/680.45 of the Department Manual.

**AUDIT RESPONSIBILITY:** The Commanding Officer, Detective Bureau, shall monitor compliance with this directive in accordance with Department Manual Section 0/080.30.

**WILLIAM J. BRATTON**  
**Chief of Police**

**DISTRIBUTION "A"**